



**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**OFFICE OF OPERATIONS SUPPORT**  
**BUREAU OF LICENSING & CERTIFICATION**

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August 9, 2011

**RE: Change to Fingerprint Law**

Dear Director/Provider,

When RSA 170-E, the fingerprint law for child care, came into effect, we discovered two unintended consequences:

1. Many people were required have multiple federal background checks in a short amount of time—e.g. if they changed a job (regardless of when), work at more than one program, or if they were a student intern who later took a permanent job at a different child care program.
2. The Department of Labor determined that the employer was required to pay for fingerprinting because the employee could not use the results for their next job.

Effective July 26, 2011 RSA 170-E:7, regarding fingerprinting has been amended, adding the following (Appendix B of the rulebook has been updated and posted on our website):

**II-a. If an individual who is or has been employed or volunteered at a child day care agency is offered employment or volunteers at another child day care agency, the individual shall not be required to submit a new set of fingerprints and undergo a new criminal records check through the Federal Bureau of Investigation, as required in subparagraph II(b), provided that the individual has submitted fingerprints and undergone such a criminal records check under this section within 3 years of the individual's first day of employment or volunteer service at the new agency. Before entering employment or volunteering with the new agency, the individual shall undergo a New Hampshire state criminal records check through the department of safety.**

In addition to checking federal and NH criminal records and the Division for Children, Youth and Families Abuse and Neglect Registry we are incorporating a check of the National Sexual Offender Registry to our process. Safety involves much more than a fingerprint or criminal background check. We understand that a criminal record is good only for the moment it is checked. We also know that there is no way to be 100% certain of the safety of the children—but we all consider the safety of children as our highest priority. Safety is a process. In child care, safety includes not only background checks; it also includes supervision, staff education and training, observation of interactions with children, monitoring—it is a collaborative effort between the programs, families and child care licensing. There is not ONE thing that will ensure the complete safety of children; rather it is a long-term, ongoing collaborative process.

The enclosed documents include instructions and new forms. There is a lot of information, please read each section carefully. This packet is intended to help smooth the process and to help programs and staff avoid licensure delays or added costs. Thank you for your efforts in keeping children safe. If you have further questions, please contact our office at 603-271-4624 or [denise.corvino@dhhs.state.nh.us](mailto:denise.corvino@dhhs.state.nh.us). We thank you for your time and attention to this matter.

Sincerely,

Denise Corvino, Chief  
Child Care Licensing Unit